IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.255 OF 2006
IN
APPEAL (L) NO.1390 OF 2005
IN
WRIT PETITION NO.1618 OF 2003

Prabhu Nagnath Surve .. Applicant

V/s

I.B.P.Company Ltd. and Anr. .. Respondents

Mr.N.M.Ganguli for the Applicant.

CORAM : DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 7TH APRIL, 2006.

P.C.:

1. Heard the learned Counsel for the Applicant. None appears for the Respondents though served. The learned Counsel for the Applicant undertakes to file an affidavit of service within a period of two weeks from today.

2. By this Notice of Motion, the Applicant is seeking condonation of 13 days delay. Perused the Notice of Motion and the affidavit-in-support thereof. For the reasons stated in the affidavit-in-support of the Notice of Motion, sufficient cause is made out for condoning the delay. There is no case of inaction, negligence or want of bonafide on the part of the

Applicant. Hence, Notice of Motion is made absolute in terms of prayer clause(a). The above appeal be placed on board on 17th April, 2006, subject to numbering.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)